

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MAURICE THOMPSON ET AL., on behalf of  
themselves and all others similarly situated,

No. C 79-01630 WHA

Plaintiffs,

v.

**ORDER DENYING VIEIRA  
MOTION TO INTERVENE**

JAMES E. TILTON, Acting Secretary,  
California Department of Corrections and  
Rehabilitation, and EDDIE YLST, Acting  
Warden, San Quentin State Prison,

Defendants.

A Death-Row inmate, Richard John Vieira, moves to intervene pursuant to Federal Rule of Civil Procedure 24(a). He also asks the Court to take judicial notice of two civil actions in this district, *Castillo v. Alameida*, C 94-2847, and *Fuiava v. Brown*, C 04-4634. Finally, he asks for an order that San Quentin State Prison apply certain regulations to condemned inmates.

Although applicant Vieira offered reasons why he did not want to be represented by plaintiffs' counsel, he did not give any reason to believe that intervenor Freddie Fuiava does not adequately represent his interest. In fact, he insinuated just the opposite: he raised the same issues as intervenor. The inadequacy of all other parties' representation of one's interest is a prerequisite to intervening as of right. FRCP 24(a). Because applicant has not offered any reason to find inadequacy of representation by intervenor, the motion to intervene is **DENIED**. The Court takes judicial notice of the two actions, to the extent they are relevant. Applicant is


1 not a party. His request for an order therefore is **DENIED**, without any suggestion that the  
2 request would have been properly brought if he were a party.

3 As noted in previous orders, the Court cannot allow all Death Row inmates to intervene  
4 separately in this action. Any future motions to intervene will therefore be considered carefully,  
5 giving motions made pro se a liberal construction, and granted only with great care. Potential  
6 intervenors should consider carefully whether intervenor or plaintiffs adequately represent their  
7 interests.

8 **THE CLERK SHALL SERVE THIS ORDER ON RICHARD JOHN VIEIRA AT THE ADDRESS**  
9 **ON HIS MOTION.**

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11 **IT IS SO ORDERED.**

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13 Dated: May 16, 2006

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16 WILLIAM ALSUP  
17 UNITED STATES DISTRICT JUDGE  
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